



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2300720

Applicant Name: Brian Slick, Weber- Thompson Architects
For Ross Wood, Triad Development

Address of Proposal: 5600 24th Avenue Northwest

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish the use for the future construction of a mixed-use building with approximately 90 residential units in four levels above a ground level containing commercial (retail, restaurant) and private club uses and two (2) levels of underground parking for approximately 150 vehicles. Demolition of the existing Ballard Eagles structure and gas station will occur prior to the proposed construction. The single vehicular access is proposed from NW 56th Street.

The following approvals are required:

SEPA - Environmental Determination - Chapter 25.05, (SMC)

Design Review - Chapter 23.41, (SMC) with Design Departures for lot coverage (residential area above 13', structural building overhangs), open space, site landscaping.

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

BACKGROUND DATA

Description of Site & Area Development

The 23,600 square foot project site fronts on 24th Avenue NW between NW 56th Street and NW 57th Street. The site slopes gently towards its southwest corner resulting in an 8-foot elevation drop. The site is currently occupied by two (2) one-story commercial buildings and surface parking. There is no landscaping or vegetation on the site.

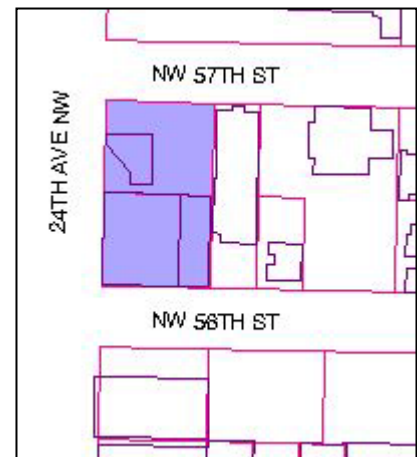
The site is located in a Neighborhood Commercial 3 zone (NC-3) with a 65-foot maximum height limit, as well as within a Pedestrian 2 overlay. The same zoning designation continues to the north, south, east and west of the site. The immediate vicinity is developed primarily with commercial buildings and surface parking areas. Abutting the site to the east is the Leif Erickson Building.

Project Description

The applicant proposes to construct a mixed-use building containing approximately 90 residential units in four levels above a ground level containing commercial and private club uses and two (2) levels of underground parking for approximately 150 vehicles. Demolition of the existing Ballard Eagles structure and gas station will occur prior to the proposed construction. The single vehicular access is proposed from NW 56th Street. The project includes landscaping on site and in the right-of-way.

Public Comment

Five comment letters were received during the official comment period which ended September 24, 2003. Comments included requests for ample parking because area street parking is often full. Other comments included desires for housing with a friendly relationship to the sidewalk and pedestrian environment, a plan for trash and recycling containers, landscaping, bulk and scale compatibility with area housing, residential-type architectural concept. Another comment focused on tenant relocation and urged the developer to use green building practices and products.



ANALYSIS –DESIGN REVIEW

DESIGN GUIDELINE PRIORITIES: EARLY DESIGN GUIDANCE MEETING March 10, 2003

At the Early Design Guidance meeting held on March 10, 2003 and after visiting the site, considering the analysis of the site and context provided by the proponents, the Design Review Board members provided the following siting and design guidance and identified by letter and number those siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*" of highest priority to this project:

- A-1 Responding to Site Characteristics
- A-2 Streetscape Compatibility
- A-3 Entrances Visible from the Street
- A-4 Human Activity
- A-5 Respect for Adjacent Sites
- A-6 Transition between Residence and Street
- A-7 Residential Open Space
- A-8 Parking and Vehicle Access
- A-10 Corner Lots
- B-1 Height, Bulk and Scale Compatibility
- C-1 Architectural Context
- C-3 Human Scale
- C-4 Exterior Finish Materials
- C-5 Structured Parking Entrances
- D-1 Pedestrian Open Spaces and Entrances
- D-2 Blank Walls
- D-6 Screening of Dumpsters, Utilities and Service Areas
- D-7 Personal Safety and Security
- E-2 Landscaping to Enhance the Building and/or Site

Complete summaries of the early design guidance meetings are available in the Master Use Permit files at DPD.

DESIGN REVIEW BOARD RECOMMENDATIONS SUMMARY: November 24, 2003 MEETING

On November 24, 2003, the Northwest Design Review Board convened for a second Recommendation meeting. Elevation renderings, plans and a model were presented for the Board members' consideration. A summary of the Initial Recommendation meeting held July 28, 2003 is available in the Master Use Permit files at DPD.

Since the first Recommendation Meeting on July 28, 2003, the design has evolved substantially. Although the "L-shape" parti remained, materials, color and compositions of the major facades have been simplified. Fewer colors, simpler lines, and a more traditional storefront design characterize the recent proposal. The projecting frames, formerly designed within a modernist idiom, now evoke more traditional pilasters and cornice. The architect eliminated the diamond shaped pattern on the metal frames in favor of scored stucco with vertical reveals.

Public Comment

Approximately nine citizens attended the Second Recommendation meeting on November 24th. The following questions, concerns and comments were raised at the meeting:

- A lack of clarity in how the departures are justified.
- A preference for art or sculpture on the wall by the parking garage. Art should tie into the Ballard neighborhood context. A blank wall will encourage graffiti.

- Reduce the bulk of the building on the most public side of the structure. The landscaped area is hidden from the three streets.
- Since the driveway faces the busier part of Ballard, pedestrian safety is a concern.
- What is the benefit of narrowing 57th St?

Summary of Recommendation: After considering the proposed design and the project context, hearing public comment and reconsidering the previously stated design priorities, the Design Review Board members came to the following preliminary conclusions on how the applicant met the identified design objectives (the authority for the recommended conditions is provided by the Design Review guideline(s) referred to by letter and number in parentheses after the recommendation).

1. The Building Base. The Design Review Board urged the development team to change several elements of the base. First, the material used for the base should have a patterning similar to what was shown on A9.0 of the packet. Board members later contacted Design Review staff and expressed their desire to see a glazed porcelain tile instead of the sandstone. Use of this material has the potential to create a more durable and easier maintained base while tying more successfully into buildings like the Ballard Building on NW Market St. The Gilmore, a recently constructed building at 3rd Avenue and Pine Street, uses a similar glazing. Second, the tile should extend two levels to the top of the second floor, providing a clear two story base.

Third, the canopy over the residential entry on 24th Avenue N.W. should be more prominent. Fourth, the Board asked the development team to increase the number of vertical mullions in the transoms over the storefronts in order to more closely match proportions of traditional storefront in Ballard. (A.3,6, C.1,4)

2. The Streetscape. The Board praised the proposed right-of-way treatment. The Board asked that the street trees line up, as in plan, with the pilasters. At the time of the meeting, the development team had not decided whether any of the stamped concrete would be tinted or not. By the Final Recommendation meeting, a decision should be made and the drawings should reflect the color choices. The Board wants to be on record with supporting improvements in the right-of-way with the Seattle Department of Transportation. (A.2,3,4)

3. Vertical Frames. The Board disliked the contrast of the light colored stucco, vertical frames with the red and green/brown colors of the metal walls. The frames appear too heavy and make too strong of a statement on the facades. A monochromatic treatment of the frames and the recessed façades as well as the reduction in the size of the cornice (see #5) should diminish the frames' bulk. See additional comments related to the frame at color and cornice. (C.1,3)

4. Color. The Board prefers a primarily monochromatic building. The Board members asked that the applicant submit several color studies for the next meeting. The selected colors should not contrast with or place emphasis on the stucco frames. On several occasions, Board members remarked that the Ballard Building and the Gilmore Building, both monochromatic, were good examples. (C.1,4)

5. Cornice. The vertical frames are capped with a thick cornice. The Board requested that the lower portion of the cornice form a continuous line along the top edge of the building. The upper portion of the cornice should be stepped back from the frame in order to reduce the frame's massiveness. Some type of decorative feature, similar to the tile above the sconces shown on Sheet A9.0, should be designed for the capital, where the pilasters meet the lower cornice. (C.1,4)

6. Balconies. Continue to explore more integrated solutions for the decks, deck railings, and mounting details. (C.1,4)

Departures from the Code Standards:

The applicant requested consideration of three departures from the applicable development standards.

- 1. *Open Space – to decrease the required amount of open space:*** Pursuant to SMC 23.47.024, an amount equal to 20% of the gross floor area of residential uses must be provided for usable open space. The applicant proposes approximately 15% of the gross residential floor area of this amount in open space.
- 2. *Lot Coverage – to increase the maximum lot coverage:*** Pursuant to SMC 23.47.024, the maximum lot coverage for residential uses above 13 feet from grade is 64%. The proposed design would increase the lot coverage to 71%.
- 3. *Five percent landscaping:*** Pursuant to SMC 23.47.016, an amount equal to five percent of the lot area shall be devoted to at grade landscaping visible from the street. The proposed design would reduce the amount of landscaping at grade to less than five percent.

The Board's five members voted unanimously to give preliminary approval of the two departures for reductions in both open space and the five percent landscaping requirement. The Board asked to see continued refinement of the structure's base, color selection, materials, cornice, balconies and frames before giving final consideration on the departure for lot coverage.

Next Steps:

- For the Final Recommendation meeting, the Board wants the applicant to present materials and several color studies for all major components of the structure. The Board will focus particularly on the two story base, the facades above the base including the frames or pilasters and the cornice.
- Designs for balconies, ornamentation, lighting at street level, landscape elements (benches, planters etc), and signage shall be presented to the Board. Drawings should be at a large enough scale and character to communicate the desired effect.
- Prepare a model of the major facades.

FINAL RECOMMENDATION MEETING: January 26, 2004

On January 26, 2004, the Northwest Design Review Board convened for a third and Final Recommendation meeting. Elevation renderings, plans and a model were presented for the

Board members' consideration. A summary of the underlying priority guidelines from the Early Design Guidance meeting of March, 2003 and the Initial Recommendation meetings held July 28, and November 24th, 2003 are available in the Master Use Permit files at DPD (formerly DCLU).

DPD Assessment of updated Design prior to the January 26th meeting

DPD staff reviewed the proposed updated design for the Ballard Eagle's Building in response to the November 24, 2003 Design Review guidelines.

The proposed canopies add overhead protection and a human scale to the building's base. The effort to provide a distinct mid-section to the west elevation is also commendable. The canopy above the residential entry, the vertical stack of balconies directly above the residential entrance, and the use of vertical metal seams as a counterpoint to the horizontal seams for the north and south sections all contribute to an improved massing, façade proportion and scale and connection with the street. These changes would likely be welcomed by the Design Review Board.

DPD's highlighted the following major design areas needing further design development:

The Streetscape. Design recommendations asked that street trees line up with the pilasters and that, were the concrete to be tinted, that this be shown at the next Design Review Recommendation meeting.

Vertical Frames. The four sets of vertical frames (two on the west elevation, one each on the north and south elevations) comprise a cornice and a series of pilasters. The Board recommendations stated that the frames were too massive and made too strong a statement on the facades. The Board requested modification to the cornices by setting the upper portion back and extending horizontally the lower portion of the cornice to produce a continuous (or near continuous) cornice around the top of the building. The design response proposes changing the appearance of the cornice by shifting the reveal, which separates the upper and lower halves, and adding thin bands near the top of the middle section of the west elevation.

Color. At the Nov. 24th Recommendation Meeting, the Board requested color studies showing a primarily monochromatic building. The Board disliked the contrast between the stucco frames and the color of the walls. A monochromatic or nearly monochromatic façade will likely reduce the massiveness of the vertical frames.

Cornice. The applicant's modification to the cornice is reviewed above in the vertical frame discussion. In general, the Board suggested refinements to the cornice in order to reduce the massiveness of the frames and provide greater continuity at the roof. Staff was uncertain whether the proposed changes successfully addressed the Board's concerns.

Balconies. At the Nov. 24 Recommendation Meeting, the design showed one balcony design. The applicant now proposes three variations using glass and metal.

DPD recommended that the applicant develop and present the following at the January 26th 2004 Recommendation meeting:

- Show a scheme with a stone veneer or CMU extending to the top of the 2nd floor and including the walls between the pilasters.
- Show a stone veneer or CMU pattern that replicates what was proposed on Sheet A9.0 in the design review packet prepared for the November 24 meeting.

- Step back the upper portion of the cornice and create a continuous lower cornice that unifies the roof.
- Submit color studies with at least one primarily monochromatic version.
- Show a design that more successfully integrates the decks and railings into the overall design and character of the building.

Architect's Presentation January 26, 2004

The Applicant presented a revised façade model representing the 24th Avenue NW Elevation as well as color rendering of the three street facades. The model and renderings illustrated three significant changes to the previous design iteration:

- A CMU masonry base has been added along all three facades extending generally to the sill height of the windows at the first floor residential (L2) but reaching to the top of this floor at the pilaster locations.
- Steel and glass canopies are now proposed at the retail level that step around the building in response to changes in sidewalk grade and replace the use of structural building overhangs at Level 2 (L2) residential decks. Residential decks have been revised to meet permitted zoning extensions above the ROW. Decks have been revised to integrate better with the pilaster spacing and incorporate gentle curves which have been repeated in other building design elements.
- The 24th Avenue West "Building Elevation Drawing" has been revised from two (2) principal building masses to three in the model with a variation shown in the rendering where the northern mass is further broken down into two (2) "towers". The location of the residential entry has been signified by use of a curved canopy and change in material color at the recessed decks above as well as a sine-curved or "swooping" cornice line.

1. *The Building Base:*

The materials

The Architect presented a new exterior materials sample and color board including a small, partial mock-up of the CMU base. As proposed, this base would be composed of a combination of ground-face and split-face units in two colors; "Sand Stone" (blond/beige with blue-grey aggregate accents) and "Mountain Brown" (dark brown with matching accents) with dark blue-grey grout. This block would be used in running bond pattern with two (2) differently sized units: 8x8x16 nominal at the pilasters and 8x4x16 at the storefront surrounds. The masonry would be laid up with decorative, contrasting string courses and soldier course headers.

This material proposal was well received by the Board and praised for providing a strong, muscular base with a variety of scale and decorative treatment. The Board requested development of additional detail at the taller masonry parapet areas on the southern portion of the 24th Avenue NW façade. The Board also praised the porcelain tile treatment proposed for the storefront base below the windows and stated the assumption that the Ballard community would likely welcome this detail as it relates to historic Ballard storefronts. The Board unanimously noted that the proposed treatment of the masonry did not hew to the exact request of the Board at the previous meeting, but that the design solution provided a unique solution that responded well to the spirit of this recommendation to create a stronger, double height base to create a better overall façade composition.

The canopy

Residential entry canopy has been changed to a curved design reflecting and mirroring the curved cornice now proposed above the entrance bay.

Storefront

Transom windows at the retail storefront have been further subdivided per the Boards request and was received with general satisfaction, however it was noted that a number of inconsistencies appeared relative to vertical and horizontal mullion and muntins spacing which the Applicant acknowledged and agreed to correct prior to MUP issuance. A rendering of the storefronts indicated that the pattern of masonry openings and storefront flanking the residential entry had been modified to match that of adjoining storefront openings.

2. ***The Streetscape.*** *Design recommendations asked that street trees line up with the pilasters and that, were the concrete to be tinted, that this be shown at the next Design Review Recommendation meeting.*

The architect presented landscape renderings previously shown at the last DRB complying with this request. In addition, the architect presented a large-scale (1/2" = 1'-0") partial elevation and plan at street grade illustrating in detail the character of the masonry building base and rhythm of storefront openings as well as the paving pattern. The Architect stated that the bands projecting across the public sidewalk from pilaster to street tree well will be grey brick pavers to match those installed at the intersection of 22nd Avenue NW.

3. ***Vertical Frames.*** The architect made a case for the form of the cornice line by presenting a massing comparison study with the cornice line of the Ballard Building (former Eagles Hall) located at 22nd and Market, particularly noting the treatment of the building corners. The architect prefers a simple, clear massing as previously presented, without setting back the upper part of the cornice, and feels that this design would most accurately reflect the spirit and detailing of the precedent Ballard building. The architect showed renderings and materials' board calling for the addition of a precast cartouche bas-relief panel of salmon installed to act as a column capital at each of the pilasters. In addition, the architect proposed to break down the scale of the northern cornice to suggest two (2) towers and in this way, allow the dominance and continuity of the lower cornice line to be suggested. The Board was of mixed opinion whether the northern cornice should be broken or remain as one form, but found the analysis and detail development sufficient to warrant approval of the either approach as detailed. The Board welcomed the addition of the cartouche but did suggest that the Applicant explore the possibility of incorporating this detail at a lower elevation on the building for better enjoyment by pedestrians.

4. ***Color:*** The architect presented a neutral color scheme modeled on the strong massing and monochromatic coloration of the Ballard Building. Public comments were strongly supportive of this approach, as was the Board which noted that a well-detailed, "quiet" building provided opportunity to anchor the site and allow for stronger color in neighboring projects.

5. ***Cornice.*** See comments in response to Item #3 above.

6. ***Balconies:*** The Architect presented a revised railing scheme featuring curved balconies and glass rails. Glass rails will be used throughout the project and balconies will either be flush with the building face or curved as shown in the presentation model. The Applicant provided a sample of the glazing which was non-glare with a smoked-grey finish. The Board was

supportive of this revision and the curved balconies won particular favor. The Board and Applicant discussed glazing options and the Board expressed a strong preference for continuous, butt glazing, surface mounted if possible.

The Board did question the usability of the decks located at the SW corner of the building. The Architect explained the decks had been designed to be the maximum size without departure permitted by Land Use Code and sliding doors on each side of the wrap-around deck provided access on the two (2) sides. The Board responded that they would entertain a departure from the Structural Building Overhang standards and while they approved of the angled form of the decks, would be in favor of increasing the clear floor area of the deck at the building corner sufficient to allow passage from side to side. The Architect should change the deck design as noted and the Board will recommend approval of this departure.

CLARIFYING QUESTIONS BY THE BOARD AND DPD STAFF.

Questions: Will there be lighting in the overhead weather protection at the street level? The Architect clarified that they are proposing up-lighting on the wider pilasters and there will be wall lighting every 30' or so at street level and that a regular rhythm of lighting will be created at the street level. *Question:* How large are the proposed salmon cartouches? They are shown at 2' square. *Question:* Why are you proposing smoky glass railings? The architect noted that the chevrons have been removed from the railing design and the smoky aspect of the glass will screen the usual deck furniture from view of the public. It is non reflective glass.

Public Comments

There was one member of the public present on January 26, 2004. She liked the muted colors and materials now proposed and the functional look of the building now. "It looks like it can now be there a long time." She commented that the larger scale elevation drawing of the storefront on 24th appeared to have mullions and muntins that were not consistent and thus would create a disjointed and undesirable appearance.

RECOMMENDATIONS:

After re-considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the revised plans and renderings, the four Design Review Board members unanimously recommended **approval** of the proposed **design**, and design departures requested **as shown in the colored drawings and model at the January 26, 2004 Meeting**, subject to the following **recommended conditions**. In addition the authority for the recommended conditions is provided by the Design Review guideline(s). Recommendations were unanimous, unless otherwise noted.

The Board reviewed the major design issues raised at the November 24th meeting and by DPD staff since then. In general the Board feels that the current design has successfully responded to the Board's guidelines and initial recommendations. They like the incorporation of the decks into the Level 2 façade, and the proposal to lengthen and curve the upper level decks between the pilasters which further simplifies and unifies the west façade. While the design of the cornice/building top element is not perhaps what the Board was expecting to see, the proposal to add the cartouches and to create a unified background façade does accomplish the design guidance. The 5 members of the Board unanimously made the recommendations below:

- They recommends that the glass railings should be a continuous curve and not faceted in order to provide more continuity in the façade composition. The north façade presents a good solid composition.
- The Board recommends that the center bay utilize the cornice/cap swoop feature as shown on the white model, and not the one shown on the colored elevation drawing. The swoop should have the strong double line as shown in the model and explore refinements to tie it into the north and south bays.
- The Board recommends retention of some feature at the pilaster capitals as shown and recommends that the salmon medallion element or something similar (cartouche) also be located close to the street so pedestrians can enjoy it close up.
- In addition, the Board recommends that the design retain the dark color for the bay over the residential entrance and that the canopy above the entrance should be glazed and more directly reflects the sine curve of the cornice arc above (as shown on the model.)
- The Board recommends that the tile work in the storefront kick panels retained as a key element of the design. The Board strongly recommends that the Streetscape Plan shown on Sheet L.1.0 be retained and approved by DPD and S-DOT including a contrasting paving band in the sidewalk on line with the centerline of the pilasters.
- The Board recommends development of additional detail at the taller masonry parapet areas shown on the southern portion of the 24th Avenue NW façade.
- The Board recommends that the architect should refine the vertical and horizontal mullion and muntins spacing and design per earlier guidance on the storefront system.

The Board unanimously approved the departure requests summarized below in light of the proposed design's being adjudged as meeting or exceeding several of the priority guidelines identified including the streetscape design guidelines and creation of quality of the open space. In the balance, the Board feels that the proposed materials and façade composition of the proposed design amongst other factors, allows the Board to determine that the proposed design results in a better project than one merely meeting the Land Use Code development standards.

DEPARTURES

STANDARD	REQUIREMENT	REQUEST	JUSTIFICATION	RECOMMENDATION
Residential Lot Coverage above 13 feet.	64% of 23,600 sf or approx. 15,104 sf	71% or approx. 16,756	Better meets the guidelines A-4, C-2 and C-3	Approval at Nov 24, 2003 meeting
Residential Open Space at 20% of	20% of 82,810 sf or approx. 16,562 sf	15 % or approx. 12,524 sf	Better meets the guidelines A-4, C-2 and C-3	Approval at Nov 24, 2003 meeting
Site landscaping visible from the street	5 % of 23,600 sf or approx. 1,180	.5 % or approx. 120 sf	Better meets the guidelines A-4, C-2 and C-3	Approval at Nov 24 th meeting
Structural Building Overhangs (Similar to lot coverage, setback and modulation stds departure-DPD).	Balconies limited to no 3' projection over public ROW & within the horizontal spacing as shown in 23.53.035 for width and 45 degree angle within the 15' open area.	Allow longer run of balcony at SW corner	To create more uniform and graceful corner with more usable outdoor area for the abutting dwelling per guideline priority by DR Board	Approval at Jan 26, 2004 meeting



WEBER+THOMPSON

Ballard Eagles Model



WEBER+THOMPSON

Ballard Eagles Model

ANALYSIS AND DECISION - DESIGN REVIEW

The Board has encouraged the applicant to utilize the departure aspect of the Design Review program in order to create a better design for the southwest corner of the structure where the balconies wrap around the corner into the courtyard area. Although not an official development standard in the Land Use Code and not technically listed under the development standards listed in SMC 23.41, the Director has decided to interpret the intent of the departure provision allowing flexibility by using the most similar type of development standard upon which to base this departure approval. The modulation, setback and lot coverage standards are all similar standards that try to address rhythm and proportion of facades as well as light and air design aspects.

The Director of DPD has reviewed the recommendations of the five Design Review Board members present at the Design Review meetings and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily Buildings and that the development standard departures present an improved design solution, better meeting the intent of the Design Guidelines, than would be obtained through strict application of the Seattle Land Use Code. Therefore, the Director **approves** the proposed design as presented at the January 26th, 2004 Recommendation meeting and as contained in the updated official plan sets on file with DPD. The Design Review Board recommendations are adopted by the Director and the requested **development standard departures** described above are **approved** along with the Board's recommended design **conditions** as summarized at the end of this decision.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the sponsors of an earlier proposal on this site for an office building and annotated by the Department. The current project submitted an environmental checklist on May 15, 2003 along with an updated traffic study dated April 25th, 2003, and a GeoTech study dated February 11, 2003. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short - Term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulate from demolition and building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction

equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code (SGDCC) regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted.

Environmental Health-Contaminated Soils

A Phase 2 Environmental Site Assessment has been conducted for this former gas service station facility and the report is in the MUP file. A previous report, the Phase I Environmental Assessment was conducted December 18, 2000. This report addressed both properties in this proposed development. Four soil borings were done February 19, 2001. Five underground storage tanks (UST) were reportedly decommissioned at the site in 1991. Subsurface contamination has been identified on the site in a relatively thin two-foot thick zone above groundwater. The Phase 2 Assessment notes that the remediation technology options for the soil and groundwater plume on the property are relatively straightforward. The soil and groundwater zone can be excavated given its shallow depth and minimal thickness. The Assessment notes that "Based upon the plume configuration as presently known, assuming 5 to 7.5 feet of material requiring excavation and off site disposal (this includes both material above regulatory levels and material with an odor that will also have to be disposed), between 1000 and 1500 tons of contaminated soil will have to be excavated, loaded, transported, and disposed off site. This represents a significant cost. Additional cost considerations include those associated with: off site groundwater monitoring or remediation; off site soil excavation remediation, and shoring costs."

Prior to the start of building construction, the Department must receive evidence from the State Department of Ecology that cleanup at the site complies with the Model Toxics Control (MTCA) Cleanup Regulations in Chapter 173-340 WAC and related published regulations listed in the Phase 2 Assessment.

Demolition, Excavation and Construction Noise Impacts

There will be demolition and excavation required to prepare the building site and foundation for the new building. Additionally, as development proceeds, noise associated with construction of the building could adversely affect the surrounding residential uses in the adjoining residentially zoned areas. Due to the proximity of other residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), additional mitigation is warranted.

In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all other construction activities shall be limited to non-holiday weekdays between 7:30 A.M and 6:00 P.M. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work shall be permitted on Saturdays from 9:00 A.M. to 5:00 P.M.

Grading, delivery and pouring of concrete, and similar noisy activities shall be prohibited on Saturdays and Sundays. This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on adjacent uses. Restricting the ability to conduct these tasks would extend the construction schedule, thus the duration of associated noise impacts. DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction time frame if conducted during these hours. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case by case basis by approval of the Land Use Planner prior to each occurrence. Periodic monitoring of work activity and noise levels will be conducted by DPD Construction Inspections.

As conditioned, noise impacts to nearby uses are considered adequately mitigated.

Long - Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; and increased demand for public services and utilities.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Storm water, Grading and Drainage Control Code which requires on site detention of storm water with provisions for controlled tight line release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations such as Design Review, to assure compatible development.

Traffic, Concurrency and Parking

The conclusion of the supplemental traffic study was that the original office project met the City's transportation concurrency LOS standards. Therefore, since the current proposed project's trip generation estimate is now less than the earlier office proposal, the study concluded

that the current proposal will continue to meet the City's transportation concurrency requirements. The proposed Eagles private club is smaller than the existing Eagles facility, thus the new Eagles club traffic won't make the traffic conditions any worse.

The current project proposes a parking supply of approximately 147 stalls (116 for residents and 33 for retail and the Ballard Eagles. This residential parking ratio equates to 1.289 parking stalls per unit based on 90 units. Parking demand for multifamily uses is normally anticipated to be 1.5 vehicles per unit, or 135 vehicle stalls for this project. The potential overflow parking to meet demand would be 19 stalls. No on-street parking availability study was conducted for this project as part of the environmental studies. The Department wants to minimize the amount of potential overflow residential parking in the immediate project area. Since the proponent proposes to utilize 33 of the stalls for non-residential use, the Department wants at least 19 of these stalls utilized as shared parking with residential users between the hours of 9 PM and 9 AM. MUP Plans and Building Plans must show at least 19 stalls labeled for shared use by posting clear signage to that affect at each space.

Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies.

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

CONDITIONS - SEPA

Prior to Issuing a MUP or Building Permit

1. Identify on the Plans at least 19 of the designated commercial parking stalls as shared parking with residential users between the hours of 9 PM and 9 AM. MUP Plans and Building Plans must show at least 19 stalls labeled for shared use by posting clear signage to that affect at each space.

Prior to Starting Construction on the Site

2. Prior to the start of building construction, the Department must receive written confirmation from the State Department of Ecology that the required cleanup at the site

complies with the Model Toxics Control (MTCA) Cleanup Regulations in Chapter 173-340 WAC and related published regulations listed in the Phase 2 Assessment.

During Construction

The following conditions to be enforced during construction shall be posted at each street abutting the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions shall be affixed to placards prepared by DCLU. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

3. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all other construction activities shall be limited to non-holiday weekdays between 7:30 A.M and 6:00 P.M. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work shall be permitted on Saturdays from 9:00 A.M. to 5:00 P.M.
4. Grading, delivery and pouring of concrete and similar noisy activities shall be prohibited on Saturdays and Sundays. This condition may be modified by DCLU to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DCLU. This condition may be modified by DPD to allow work of an emergency nature

Prior to Certificate of Occupancy

5. Signage for each of the 19 shared commercial/residential parking stalls must be installed.

CONDITIONS – DESIGN REVIEW

Prior to issuance of the Master Use Permit

6. Update the MUP plans to show the following:
 - a. Proposed glass railings as a continuous curve and not faceted in order to provide more continuity in the façade composition.
 - b. The proposed center bay on the 24th Av. NW should utilize the cornice/cap swoop feature as shown on the white model, and not the one shown on the colored elevation drawing. The swoop should have the strong double line as shown in the model and explore refinements to tie it into the north and south bays.
 - c. An architectural feature retained at the pilaster capitals as shown at the Final Recommendation meeting and the salmon medallion element or something similar (cartouche) to be located close to the street so pedestrians can enjoy it close up.

- d. Retention of the dark color for the bay over the residential entrance and with a glazed canopy above the entrance that more directly reflects the sine curve of the cornice arc above (as shown on the model.)
- e. Inclusion of tile work in the storefront kick panels retained as a key element of the design.
- f. Retention of the Streetscape Plan shown on Sheet L.1.0 including a contrasting paving band in the sidewalk on line with the centerline of the pilasters.
- g. Development of additional detail at the taller masonry parapet areas shown on the southern portion of the 24th Avenue NW façade.
- h. Refinements to the vertical and horizontal mullion and muntins spacing and design per Board recommendation on the storefront system.

Non-Appealable Conditions

- 7. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Vince Lyons 233-3823). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
- 8. Embed in the MUP plans to be issued and in the Building Permit plans the colored elevation drawings that reflect this MUP decision.
- 9. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project (Vince Lyons), or by a designated DPD Planner. An appointment with the assigned Land Use Planer must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
- 10. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings. Include colored drawings showing building elevations in the building permit plans.

Signature: _____ Date: March 29, 2004

Vince Lyons, Manager, Design Review
Department of Planning and Development

VL:bg